

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Wheeling**

**MARK McEVOY, et al.,**

Plaintiffs,

v.

**Civil Action No. 5:22-CV-171  
Judge Bailey**

**DIVERSIFIED ENERGY COMPANY PLC,  
et al.,**

Defendants.

**ORDER**

Pending before this Court is a Motion for Leave to File an *Amicus Curiae* Brief in Support of Intervention [Doc. 347], filed July 21, 2023. Therein, the West Virginia Land & Mineral Owners Association ("WVLMOA") requests this Court leave to file an *Amicus Curiae* Brief in Support of Intervention with respect to the Motion on Behalf of Chester C. Dodd, Jr., Kathryn M. Hunt and Linda Dodd Fluharty to Intervene as Defendants.

"An *amicus curiae*, defined as 'friend of the court,' . . . does not represent the parties but participates only for the benefit of the Court." *Jin v. Ministry of State Sec.*, 557 F.Supp.2d 131, 136 (D.D.C. 2008) (citing *United States v. Microsoft Corp.*, 2002 WL 319366, at \*2 (D.D.C. 2002) (Kollar-Kotelly, J.)). *Amicus curiae* briefs serve an important function "in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision."

**Newark Branch, NAACP v. Town of Harrison**, 940 F.2d 792, 808 (3d Cir. 1991) (internal quotation marks omitted). The Federal Rules of Civil Procedure do not specifically provide for the filing of *amicus curiae* briefs at the district court level. Nonetheless, “district courts possess the inherent authority to appoint [*amicus curiae*] to assist in their proceedings.”

**Bayshore Ford Trucks Sales, Inc. v. Ford Motor Co.**, 471 F.3d 1233, 1249 n.34 (11th Cir. 2006); **Jin**, 557 F.Supp.2d at 136. “Courts typically grant *amicus* status where the parties ‘contribute to the court’s understanding of the matter in question’ by proffering timely and useful information.” **Ga. Aquarium, Inc. v. Pritzker**, 135 F.Supp.3d 1280, 1288 (N.D. Ga. 2015).

WVLMOA argues it has a “very significant interest in the requirements for plugging wells located on their property.” See [Doc. 347 at 2].

Upon careful consideration of the above, WVLMOA’s Motion for Leave to File an *Amicus Curiae* Brief in Support of Intervention [Doc. 347] is **GRANTED**. The Clerk is hereby **DIRECTED TO FILE** the *Amicus Curiae* Brief Submitted by WVLMOA in Support of Intervention with respect to the Motion on Behalf of Chester C. Dodd, Jr., Kathryn M. Hunt and Linda Dodd Fluharty to Intervene as Defendants [Doc. 347-1].

It is so **ORDERED**.

The Clerk shall transmit copies of this Order to all counsel on record.

**DATED:** August 15, 2023.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE